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An Act Regarding Maine Clean Election Act Funds for a Candidate without a Primary Opponent

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1125, sub-§7, ¶A, as amended by PL 2001, c. 465, §4, is further amended to read:

A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if ~~the candidates are in an uncontested primary election~~ determined by the commission.

Sec. 2. 21-A MRSA §1125, sub-§8-A, as enacted by PL 2009, c. 302, §17 and affected by §24, is amended to read:

8-A. Amount of fund distribution. By September 1, 2011, and at least every 2 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates in legislative elections based on the type of election and office. The commission may not make a distribution to a candidate in an uncontested legislative primary election. In making this determination, the commission may take into consideration any relevant information, including but not limited to:

- A. The range of campaign spending by candidates for that office in the 2 preceding elections;
- B. The Consumer Price Index published monthly by the United States Department of Labor, Bureau of Labor Statistics and any other significant changes in the costs of campaigning such as postage or fuel; and
- C. The impact of independent expenditures on the payment of matching funds.

Before making any determination, the commission shall provide notice of the determination and an opportunity to comment to the President of the Senate, the Speaker of the House of Representatives, all floor leaders, the members of the joint standing committee of the Legislature having jurisdiction over legal affairs and persons who have expressed interest in receiving notices of opportunities to comment on the commission's rules and policies. The commission shall present at a public meeting the basis for the commission's final determination.

For contested gubernatorial primary elections, the amount of revenues distributed is \$400,000 per candidate in a primary election. ~~For uncontested gubernatorial primary elections the amount of revenues distributed is \$200,000.~~ The commission may not make a distribution to a candidate in an uncontested gubernatorial primary election. For contested and uncontested gubernatorial general elections, the amount of revenues distributed is \$600,000 per candidate in the general election.

Sec. 3. 21-A MRSA §1125, sub-§10, as repealed and replaced by PL 2009, c. 652, Pt. A, §27 and affected by §28, is amended to read:

10. Candidate not enrolled in a party. An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election and who is certified is not eligible for revenues from the fund for a primary election and is eligible for revenues from the fund in the same amounts and at the same time as ~~an uncontested primary election candidate and~~ a general election candidate as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the Legislature must submit the required number of qualifying contributions and the other required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified, the candidate is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsection 8-A. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2-B and 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is not eligible for revenues from the fund for a primary election and is eligible for revenues from the fund in the same amounts and at the same time as ~~an uncontested primary election gubernatorial candidate and~~ a general election gubernatorial candidate as specified in subsections 7 and 8-A. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.

SUMMARY

This bill provides that the Commission on Governmental Ethics and Election Practices may not make a distribution of Maine Clean Election Act funds to a candidate in an uncontested legislative or gubernatorial primary election.